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COMMISSION ON HUMAN RIGHTS

Forty-seventh session

SUMMARY RECORD OF THE 35th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 21 February 1991, at 10 a.m.

Chairman: Mr. VASSILENKO (Ukrainian Soviet Socialist Republic)

later: Mr. BERNALES BALLESTEROS (Peru)

CONTENTS

Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus.

(b) Situation of human rights in occupied Kuwait (continued).

Statement by Mr. Al-Mutawa, Minister of Planning of Kuwait.

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The meeting was called to order at 10.30 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS;

(b) SITUATION OF HUMAN RIGHTS IN OCCUPIED KUWAIT

(agenda item 12) (continued) (E/CN.4/1991/3-4; E/CN.4/1991/27; E/CN.4/1991/29-31; E/CN.4/1991/33 and Add.1; E/CN.4/1991/34; E/CN.4/1991/37; E/CN.4/1991/69-70; E/CN.4/1991/74; E/CN.4/1991/77; E/CN.4/1991/NGO/5; E/CN.4/1991/NGO/27; E/CN.4/1991/NGO/30; E/CN.4/1991/NGO/35; S/21907; A/45/567; A/45/578; A/45/607; A/45/630; A/45/664; A/45/697; E/CN.4/1990/10; E/CN.4/1990/13; E/CN.4/1990/22 and Add.1; E/CN.4/1990/24-26; E/CN.4/1990/28 and Add.1)

1. Mr. VOYAME (Special Rapporteur on the situation of human rights in Romania) in introducing his report (E/CN.4/1991/30), welcomed the continuation - although in a less spectacular fashion and more slowly - of the considerable improvement in comparison with the Ceaucescu régime that he had noted and described in his first report. His conclusions in that respect were based on his on-the-spot observations, his contacts and the documents he had consulted. The draft constitution on which the Parliament had to take a decision by 20 November 1991 should further promote the restoration of respect for human rights.

2. Those rights were guaranteed in principle and in general respected. The right to life and to physical and moral integrity, respect for privacy, the independence of judges and the rights of persons being prosecuted, freedom of movement, freedom of thought, conscience and religion, freedom of expression, freedom of assembly and association, the right to work and trade union rights, the right to an adequate standard of living, cultural rights and the rights of minorities had all been restored.

3. Yet much remained to be done in nearly all those areas. There were still reports of excessive police brutality or, conversely, police passiveness; it was the police that had permitted violent confrontations, as at Tirgu Mures in March 1990 or on the famous occasion of the miners' incursion in June 1990. Those events, in his opinion, constituted the most serious violation of human rights in Romania in the course of 1990. Backed by persons whose identity seemed still to be in doubt, the miners had surged unhindered through the streets of Bucarest, indulging in all sorts of excesses such as illegal searches and arrests, the destruction of private property and even of public property. Their brutality had been concentrated on persons and organizations of the opposition or members of the gipsy minority, and yet the country's highest authority had thanked them for what they had done.

4. It was also to be deplored that many persons were convinced, rightly or wrongly, that their privacy was not respected, that their telephone conversations were tapped and their correspondence monitored.

5. With regard to criminal justice, he had discovered that, despite the current reorganization, persons were still being arrested without being told why, that some prisoners were kept incommunicado for several weeks, and that the prisons were overcrowded.

6. As for freedom of religion, the problem of restoring the property confiscated from certain churches under the previous régime, particularly the Romanian Uniate Church, had not yet been solved. The freedom of the press was still hampered by the shortage of paper which - oddly enough - affected the opposition press in particular. It was also to be regretted that public demonstrations were still subject to certain police restrictions. In addition, in view of the difficult economic situation and the lack of trained nursing staff, progress still needed to be made in medical care and in finding homes for handicapped persons and abandoned children.

7. The most sensitive problem seemed to be that of the status of minorities - the Hungarian ethnic minority and the rom (gipsy) minority. The former was well represented in Parliament, could organize cultural events quite freely, had been given broadcasting time on television and provided with schools and high schools or classes at which Hungarian was taught; the members of that minority considered, however, that too few of their children could obtain a complete education and vocational training in their mother tongue and complained that they were inadequately represented in decision-making bodies, particularly at the local or economic level. The Romanian authorities were determined to treat the members of the Hungarian minority on an equal footing with those of the Romanian majority, but the task would be difficult since an atmosphere of peace and trust had to be created between two linguistic communities separated by a gulf of mistrust and even hatred. In the case of the gipsy minority, the problem lay in their large numbers, their lack of organization and their marginalization. The Government should curb the lack of general tolerance in the country which was an obstacle to democracy and pluralism.

8. Referring to a recent incident, he said that a climate of suspicion continued and that many leaders and members of the opposition complained that they received threats that were in general anonymous but systematic. Only a few days previously, Mr. Petru Cretia, professor of literature and a great humanist, had allegedly been attacked and brutally beaten; many people regarded the incident as the work of the Securitate which continued to function underground. In order to restore confidence, the authorities should therefore provide the population with detailed information about that organization and the present status of its agents.

9. If Romania's efforts to bring about the complete restoration of respect for human rights were to be successful, the country must continue to benefit from the assistance of the international community, particularly for the human rights institute it intended to set up.

10. In conclusion, he recommended that the Commission on Human Rights should take note of the fact that, despite regrettable backsliding respect for human rights in general continued to improve in Romania, and that it should invite the Romanian authorities to pursue their efforts to ensure respect for human

rights in the country, not only de jure but also de facto, to pay particular attention to the points highlighted in his report, and to continue to use the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights set up by the Centre for Human Rights, particularly with a view to the establishment of a human rights institute. He emphasized that the Romanian authorities had assisted him effectively and allowed him complete freedom of action.

11. Mr. HAFYANA (Observer for the Libyan Arab Jamahiriya) commended the efficiency of the United Nations and its competent human rights bodies and hoped that it could be increased even further by an international desire for cooperation so that no economic or military power would be able to impose its will.

12. The Libyan Arab Jamahiriya was mainly concerned by the fate of Libyans taken prisoner in Chad and held there by the United States, and condemned that country's interference in a conflict between two African nations. It stressed that at the end of any military conflict prisoners were exchanged and the problems that had given rise to the conflict settled. The Libyan Arab Jamahiriya had for its part released its prisoners but its action had not been reciprocated. It called upon the Commission to examine the question.

13. During the conflict, the Chadian authorities had treated Libyan prisoners atrociously, tortured them, sometimes to death, crammed them into overcrowded cells and left them without medical care, humiliated and practically starving. Furthermore, since the United States enjoyed the collusion of the Chadian authorities, the prisoners were visited by CIA agents who used persuasion, force or blackmail to set them to work against their country. Those who refused were executed in the presence of their comrades, while others were transferred to training camps set up in Chad by the Chadian authorities for the United States secret services, as part of a subversion programme directed against the Libyan Arab Jamahiriya. When Hissène Habré fell from power, the prisoners were deported for allegedly humanitarian reasons to Nigeria and then Zaire, Kenya and North America. The abduction of those men who should have retained their prisoner-of-war status wherever they were, was nothing but an act of piracy.

14. The United States, not content with treating Libyan prisoners of war in an inhuman fashion, forbade the International Red Cross to establish the customary contacts between prisoners and their families. As stated by the ICRC delegate and confirmed by the President of ICRC after the victory of the liberation forces of the National Salvation Front, the United States intelligence services had prevented the delegates of the International Red Cross from contacting 700 Libyan prisoners of war, whom they embarked on a United States Air Force plane for transfer to another country. With the complicity of the French intelligence services they thus scandalously violated the sovereignty of an independent State.

15. What should be borne in mind was that the United States, which had not been a party to the Chad-Libya conflict, was guilty of interference in the affairs of sovereign States, that it had flouted the elementary principles of human rights and international human rights practices and agreements,

had wrongfully retained Libyan prisoners - some of whom were able to tell the International Red Cross delegates that they wanted to go back to their own country - had sought to introduce subversion into the Libyan Arab Jamahiriya, and had violated articles 3, 13, 14 and 15 of the Third Geneva Convention.

16. Mr. Bernales Ballesteros took the Chair.

17. Mr. RETUREAU (World Federation of Trade Unions) said that the question of situations of serious and continuing massive violations of human rights should be viewed in the context of social, economic and cultural inequalities and discrimination between the peoples of different countries and between social classes and the various components of a population in the same country. Characteristic trends in certain regions where the people lived in absolute poverty included the steady disruption of the social fabric increasing despair, the harsh suppression of any sign of rebellion by the poorest groups, the extension of the parallel economy, corruption and drug traffic.

18. That was the situation in Colombia where violence, essentially attributable to the armed security forces and drug traffickers, had reached a particularly high level, 10,956 murders having been recorded in the first six months of 1990. The victims included a large number of trade unionists such as J. Jairo Galindo and J. Fandino Correa and Americo Torres Ibarguen and Claudio Benitez, members of SINTRAINAGRO (Agricultural Workers Trade Union), assassinated for their trade union activities. The Colombian Government had so far been unable to conduct thorough investigations of all the cases brought to its notice, since judges were subjected to blackmail and threats that prevented them from doing their work, while some who did their duty were even murdered. It was also a fact that some members of the police and the armed forces were associated with the death squads which terrorized the country along with drug traffickers and professional murders.

19. Violations of human rights and particularly trade union rights, were equally serious in Sudan, where thousands of persons from all social strata had been arrested and detained for relatively long periods and some brutally tortured. In addition, any protest demonstration on the part of workers was suppressed by force. Eight Atbara Railway workers who had gone on strike in November 1990 to call for an improvement in their living conditions had been killed and a large number of others dismissed.

20. The accession of a civilian régime to power in Guatemala had hardly changed the human rights situation in the country which counted approximately 40,000 missing persons. The military continued to exercise considerable influence and resorted to repressive methods in order to silence all those who demanded the establishment of a genuinely democratic system. It was for that reason that the World Federation of Trade Unions supported the request by other NGOs that the Commission should appoint a special rapporteur on Guatemala to consider the situation in that country under agenda item 12.

21. In Iran, it had been officially admitted that 637 persons had been executed in 1990 and 174,000 arrested in 1989, apparently for political reasons, although the authorities claimed that they were criminals and drug traffickers. As for Zaire, the World Federation of Trade Unions had already, in the Sub-Commission, condemned the atrocities of the President's special

troops at the University of Lumbumbashi in May 1990. The Government of Zaire denied those allegations, using as a reason the report submitted to the Commission under the confidential procedure established by Economic and Social Council resolution 1503 (XLVIII). The World Federation of Trade Unions considered that the case of Zaire should be considered at a public meeting in the future so as to enable the Commission to follow the effective implementation of the multiparty system and democracy in that country and to assist the forces of democracy to work openly with some assurance of security.

22. Since the territory of the German Democratic Republic had been reunited with the Federal Republic of Germany, the practice of prohibiting the exercise of a profession which had been declining in the western Länder had developed considerably in the new eastern Länder. Those who were the most affected by the new measures were the educators, and the ILO Committee on Freedom of Association had just received a complaint concerning cases of teachers dismissed because they had been directors of schools or leading members of the teaching and education trade union, or for no reason at all. Moreover, university curricula had been modified without any consultation of the teachers or students, since it seemed that the new authorities wanted to efface completely the cultural and social features of the former German Democratic Republic. Many literary works had been burned or destroyed to be replaced by literature from the West, and all persons who had occupied either a political or trade union position or had been employed in the civil service found their jobs threatened. The basic principle of non-discrimination in employment had been violated by the governments of the Länder as well as by the Federal Government, which persistently refused to fulfil its international obligations and in particular to apply the recommendations of the ILO Commission of inquiry of 1987, which had concluded that the Federal Republic of Germany had violated ILO Convention No. 111 Concerning Discrimination in respect of Employment and Occupation.

23. Since 2 August 1990, the people of Kuwait and hundreds of thousands of nationals of Arab and Islamic countries working in Kuwait had been experiencing a tragedy whose dimensions were still not fully apparant. The media had basically ignored the drama of the migrant workers who had lost all their economic resources and were destitute. Mention should be made of the humane, altruistic and generous attitude of Jordan, which had been making enormous efforts, despite its own difficulties, to cope with the refugees in its territory. The barbaric acts perpetrated by the Iraqi invaders of Kuwait were well known, but other countries in the region had also been victimized since the Iraqis had launched dozens of missiles at random at the civilian population of Israel and the occupied territories.

24. The United States for its part had from the outset chosen military confrontation for the increasingly obvious purpose of destroying Iraq's economic and military power and liquidating its political and social system, which in no way corresponded to the goal stated by the Security Council in its resolutions, namely, the liberation of Kuwait. The war was not one of international law and an appeal must be addressed to all parties to end it without further massacres. It was essential and a matter of urgency to arrive at a comprehensive negotiated settlement of all the problems of the region, including recognition of the national rights of all the peoples living there, and to embark upon negotiations to lay the bases for a lasting peace and to guarantee the security of all Middle Eastern countries.

25. Mr. SALAZAR (Andean Commission of Jurists) said it was distressing that the efforts of the Governments of the Andean countries to put an end to the practice of summary and arbitrary executions had not yielded positive results, particularly in Colombia and Peru. In Colombia, summary executions were far more numerous than all other types of human rights violations, and it was to be noted that the persons executed in that way had also been tortured.

26. In 1990, more than 11 persons had died each day in Colombia for political or allegedly political reasons, and that figure represented a considerable increase over the previous year. Many of those acts of violence could be attributed to powerful gangs of drug traffickers, but some were also the work of groups of guerrilla bands or paramilitary groups with links to the security forces or local authorities. A large number of those murders and summary or arbitrary executions had taken place after the visit to Colombia of the Special Rapporteur on summary or arbitrary executions, and therefore it might well be asked what the Colombian Government had done to apply the recommendations that the Special Rapporteur had set out in his report (E/CN.4/1990/22/Add.1). The steps he had taken were certainly praiseworthy but they had not produced much in the way of results.

27. In Peru too, it was the problem of summary executions that was of the greatest concern to the defenders of human rights. The Andean Commission of Jurists, however, was also closely following the pattern of violence in which armed subversive movements, and particularly the Shining Path movement, played a leading role. It should be borne in mind, moreover, that the armed forces and the police, who were responsible for respecting and ensuring respect for law and order were also responsible for the death of many persons. But much more serious was the fact that most of the perpetrators of those murders remained unpunished. What was needed above all were legal reforms to ensure better administration of justice. The international community and the Commission on Human Rights in particular should contribute to the search for solutions to the problem, particularly as some of the measures recently adopted by President Fujimori were on the wrong track.

28. In December 1990, President Fujimori had proposed and promulgated a decree under which members of the army and the police who had committed offences in areas where a state of emergency had been declared were to be tried by military and not civil courts. The decree had been repealed but there was nothing to prevent the President from taking other steps to legalize impunity.

29. He drew the Commission's attention to the large number of defenders of human rights who had been murdered in Venezuela and wondered whether their deaths did not constitute summary or arbitrary executions which might become systematic. In Bolivia, the army and the police had carried out an operation to liberate a person who had been captured by armed opponents. It would seem, however, that they had not taken all the necessary precautions because numerous persons, including the prisoner, had been killed during the operation.

30. The human rights situation in the Andean region, particularly in Colombia and Peru, was a source of concern, not only because abusive measures of repression were applied but also because of the poor administration of justice. The Governments of the countries of the region had often shown

themselves incapable of dealing with the situation. The Andean Commission of Jurists therefore proposed that the Commission should envisage setting up special machinery to provide those countries with the assistance which they obviously needed to improve the human rights situation and to inform the Commission of progress made in that area.

31. Mr. PRIELAIDA (International Federation of Free Journalists) said that although the situation of human rights in South Africa and in the Soviet Union had improved since the Commission's forty-sixth session, the same could not be said of Iraq, whose Government had always distinguished itself by its utter contempt for the rights of its citizens. He noted that the Iraqi delegation had remained silent on the subject of the four Kurdish villages that had been gassed in 1988 and now had nothing to say about the invasion of Kuwait and its accompanying atrocities. The International Federation of Free Journalists condemned any action involving the civilian population in a conflict and any dictatorial ideology imposed by terror.

32. He deplored the bad faith with which the parties concerned justified their behaviour; one example was Iran which, while condemning the aggression of Kuwait and human rights violations in that country, made no reference to the lack of freedom of expression and information at home, and another was the statement by the representative of the Soviet Union on 11 February 1991 to the Commission on the events in the Baltic countries, and particularly Lithuania, and justifying the intervention of the Red Army. Having taken note of the regret expressed by the Soviet authorities, the International Federation observed that there had been no trouble in Lithuania before the Soviet troops intervened. In the elections of 9 February, more than 90 per cent of the electorate - the majority of whom were Russians resident in the country and Poles - had voted for independence, showing that there was no minority problem justifying the intervention of the Soviet army. As for the Soviet constitutional guarantee of fundamental freedoms, it had not prevented 50 years of occupation resulting in large numbers of victims in the Baltic countries.

33. While it approved the Soviet Government's decision to order inquiries to identify those responsible for the events in Vilnius and Riga, the International Federation requested the Commission to appoint a board of inquiry to determine who was behind that spurious blunder conceived by the army and the political police. Dialogue between the parties concerned could improve the situation providing it did not take place under pressure from the foreign army. The International Federation hoped that a resolution supporting the Baltic countries in their struggle to regain their independence would be adopted. Recent events had led to an aggravation of the situation in Lithuania. Additional army contingents had been sent there on pretext of manoeuvres, thus creating the possibility of further intervention. The exercise of fundamental freedoms was controlled by the central authorities, the media were used for disinformation purposes, young people who refused to serve in the army of occupation were arrested, and foreign correspondents covering such events were often molested. The occupying Power thereby endeavoured to destabilize the political situation and to compromise the Lithuanian Parliament and Government.

34. Mr. BLASCO (International Council of Voluntary Agencies), summing up the statement that the International Council had made available to members of the Commission, said that if he mentioned only some of the cases referred to in the text, it was not because of their gravity but because in some countries the frequency of human rights violations made them even more reprehensible.

35. With regard to the African countries, the International Council was gratified by the measures announced by the Government of Rwanda to abolish identity cards based on ethnicity and to put an end to the single party system, but deplored the fact that people continued to be persecuted in that country because of their ethnic origin and that the Government was not doing very much to enable refugees to return. The non-governmental organizations recognized that the repatriation of refugees and the national reconciliation process required the assistance of the international community and were prepared to contribute to such efforts as far as they could.

36. With respect to the countries of Asia, the International Council was concerned by the inter-ethnic confrontations in Fiji and by the new Constitution which it regarded as racist and undemocratic. He therefore urged the authorities of Fiji to respect the rights of all the inhabitants of the country. In Sri Lanka, the conflict beteween the Central Government and the Tamils had become worse since June 1990, and it would be advisable for the Commission to appoint a special rapporteur and approve the proposal that a negotiated solution should be sought through the Commonwealth. The Sri Lankan Government and the Liberation Tigers of Tamil Eelam (LTTE) should also accept that proposal. As for Cambodia, the International Council requested the Commission to ensure that the human rights provisions of the peace plan were strengthened. In Indonesia, the military forces and the rebels had committed atrocities during clashes in the Aceh and Irian Jaya regions. According to Asia Watch, the repression carried out by the Indonesian authorities was completely out of proportion to the threat represented by the rebels. The International Council urged the Indonesian Government to restore respect for human rights in those two regions and to seek a peaceful solution to the conflict. It regretted that the situation in East Timor had not been considered by the Commission and requested it to put pressure on the Indonesian Government to accept the peace proposal and begin negotiations with the representatives of the people of East Timor.

37. The International Council was also concerned by the human rights situation in Myanmar and called upon the present régime to accept the results of the elections of 27 May 1990, to release political prisoners and to restore democratic freedoms. In the case of Bangladesh, the International Council asked the United Nations to investigate allegations of human rights violations in the Chittagong region and to send a mission there. In Tibet, the situation far from improving had even worsened despite a number of United Nations resolutions recognizing the right to self-determination of the Tibetan people. The International Council called upon the Commission to condemn the violation of the Tibetan people's rights and urged the People's Republic of China to examine the five point plan proposed by the Dalai Lama in 1987. In Afghanistan, the Government continued to hound its political opponents, and refugees who had adopted a moderate position ran the risk of persecution by one or other of the Mujahidin parties. The Special Rapporteur on the situation of human rights in Afghanistan must therefore continue his work. In

Turkey, the situation of the Kurds who had fled from the Gulf war and had not been recognized as refugees by that country was a source of concern and the International Council asked the Commission to request the Turkish Government to permit Kurdish refugees to receive aid from the United Nations and non-governmental organizations.

38. Turning to Central America, he requested the international community to induce the Governments of countries of the region to take steps to facilitate the return of refugees. He was particularly concerned by the human rights situation in Guatemala and considered that the Commission should formulate the necessary recommendations so that measures would be taken to remove the structural causes of human rights violations in that country.

39. While condemning the invasion of Kuwait and the atrocities committed by the occupying troops against the population of that country, the International Council stressed that other countries or territories, such as Cyprus, Lebanon and Palestine, were under the yoke of occupation. Such situations had given rise to serious human rights violations, particularly the rights of Palestinians living in the occupied territories. He also drew attention to alarming violations of the human rights of the Kurdish minorities living in Iran, Iraq and Turkey. The economic consequences of the Gulf war were making the human rights situation in a number of countries and territories even more precarious, particularly in Lebanon, the occupied territories and other countries which had to take in two million Iraqi and Kuwaiti refugees.

40. The International Council of Voluntary Agencies was concerned by the defensive attitude to economic immigration adopted by the European countries. That attitude might well undermine respect for the right of asylum and was reflected in various ways, such as the fines imposed on airlines for carrying passengers without visas, the increasingly Draconian conditions laid down for obtaining visas, and the reinforcement of border checks. The Council also feared that the interest shown by the Western European States in the events taking place in Eastern and Central Europe would divert their attention from the tragic situations that were continuing in other regions of the world.

41. The problem of refugees and displaced persons concerned the international community as a whole. The International Council therefore appealed to all countries to support the United Nations bodies responsible for aiding population groups experiencing serious violations of their fundamental rights.

42. The International Council also requested the Secretary-General to make a study of the situation and needs of persons and groups who had been displaced within their own countries, and asked the Commission to envisage carrying out a study on violations of the fundamental rights of women for submission at its forty-eighth session.

43. Lastly, the International Council urged all States that had not already done so to ratify the Convention on the Rights of the Child, and hoped that the machinery devised for monitoring its implementation would be put to use.

44. Mr. RYDER (International Confederation of Free Trade Unions) said that ICFTU had continued to defend and promote trade union rights throughout the world, in the firm conviction that those rights should be enjoyed in all countries regardless of their régime.

45. ICFTU feared that the Chinese Government was taking advantage of the fact that the international community's attention was focused on the Gulf countries in order to try and sentence independent trade unionists who had taken part in the democracy campaign in 1989. The authorities had in particular singled out the militants of independent workers' federations who were trying to set up free and independent trade unions. Many of those militants had been killed in Tiananmen Square, others had been summarily executed and those in prison were likely to receive very heavy sentences following unfair trials. Since the Government had refused to publish a list of names, the identity of most of the persons in prison was unknown and they ran the risk of vanishing into labour camps.

46. The situation of trade union rights in Fiji was also a source of concern; trade union members were subjected to intimidation and acts of violence, while the Government actively encouraged the creation of new trade unions based on racial considerations. Facing the threat of an international boycott by transport trade unions, the authorities of Fiji had assured the ICFTU representatives who had visited the country in January 1988 and October 1989 that they would put an end to serious human rights violations. However, nothing had been done in that respect and the adoption by decree in July 1990 of a racist and anti-democratic constitution suggested that the situation might well deteriorate further.

47. ICFTU continued to be seriously concerned by the fact that the development of democracy in Latin America had not led to any definite improvement in respect for trade union rights, which continued to be infringed with complete impunity. In El Salvador, the Government had refused to reply to the allegations made by ICFTU and by ILO, thus conferring international impunity on itself. Paraguay had adopted the same attitude. In Guatemala, violations were becoming more and more serious; trade union members were summarily executed or disappeared and those responsible went unpunished. In Colombia, hundreds of trade union members had been murdered. Despite the assurances given to ICFTU by former President Barco in 1989 and by President Gaviria, trade union members under threat received no protection. The Government's decision to suppress the general strike organized on 14 November in protest against a labour law reform programme gave rise to doubt about its intentions and its ability to respect trade union rights. ICFTU requested the Commission to appoint a special rapporteur on the situation of human rights in Colombia and considered that the authorities, who were seeking the assistance of the international community in combating drug traffickers, would welcome the assistance with which the special rapporteur could provide them. In Cuba, workers who were not defended by any trade union organization had to perform "voluntary" work which was more in the nature of forced labour in view of the punishment imposed on persons who refused to volunteer. There was nothing to indicate that the Cuban Government was ready to put an end to the serious violations of workers' rights.

48. The development of trade union freedom in Central and Eastern Europe, however, had a positive echo in Africa. ICFTU noted that African workers and their trade unions played an important role in promoting multi-party democracy. The most striking example was Zambia, where the Congress of Zambian Trade Unions and its leaders had been important agents in the campaign for democracy. ICFTU was, however, concerned by two labour relations laws recently adopted by the Zambian Parliament which were at variance with fundamental trade union freedoms and greater respect for human rights.

49. In conclusion, he wished to inform the Commission that the ILO Committee on Freedom of Association would inform the Governing Council of any complaints lodged by bodies affiliated with ICFTU against the Governments of the United States, the United Kingdom and the Federal Republic of Germany. The problem of the infringement of trade union rights was indeed a worldwide problem.

50. Mr. MELIK (Movement Against Racism and for Friendship Among Peoples) said that at a time when the eyes of the whole world were riveted on the war in the Gulf, it would be well to draw the Commission's attention to the situation of the Kurds of Kurdistan under Turkish domination.

51. In August 1990 the implementation of the European Convention on Human Rights had been suspended in the region, the Governor Extraordinary of which had been given additional powers by decree-law in December 1990 in order to muzzle the Kurdish population. According to the President of the Human Rights Association of the Province of Siirt, one of the elementary rights set out in Turkey's Constitution were observed in that region. On the pretext of the war in the Gulf, Turkey had intensified the mass expulsions of Kurdish villagers that had been proceeding since 1984 in order to create a no man's land; as a result, areas around the villages had been mined, fields devastated, flocks expropriated and wells poisoned. When the Turkish army carried out partial expulsions, it made sure that some of the villagers within the community were its accomplices. The recent evidence of Fatma Kartal, a Kurdish woman who had been expelled, confirmed those facts.

52. The Turkish Government daily violated the Turkish Constitution and the Universal Declaration of Human Rights. Yet under the terms of the Treaty of Sèvres Kurdistan had been recognized as an independent State and its people claimed the right to live in freedom on the land of their ancestors. The Commission should therefore endorse the right of self-determination of the Kurdish people, appoint a special rapporteur for Kurdistan and ensure that the Kurdish question was included on the agenda of an international conference on the Middle East in which the representatives of Kurdistan would take part.

53. Mr. ALVARADO (International Association against Torture) said that the gulf between formal human rights commitments and the actual situation was demonstrated by human rights violations in Guatemala, as reported by witnesses and national and international organizations, and as they emerged from the report of the independent Expert, Mr. Tomuschat (E/CN.4/1991/5). According to the Mutual Support Group, there had been 4,332 enforced or involuntary disappearances and 4,495 extrajudicial executions in the past five years. Although the indigenous population accounted for 65 per cent of the total (9.5 million persons), their rights were not respected and they were, for example, forced on pain of death to take part in armed patrols. Many members of the indigenous communities had disappeared or been tortured by the military, and entire communities had been bombarded and destroyed.

54. Despite the promises made by many leaders, the only democracy the indigenous populations had known was that of death. The perpetrators of the 1980 genocide had not been punished in a matter that had involved the responsibility of the President, Mr. Serrano Elías. In a period of only one month after the accession to power of the new Government, 60 extrajudicial executions had taken place. The Commission should therefore study the case of

Guatemala under the agenda item 12 and appoint a special rapporteur as a matter of urgency to ensure respect for the rights of the population. In some countries there was an alarming tendency to consult Governments that infringed human rights on ways of finding solutions to the problem. There was no question of the Government of Guatemala being both judge and judged.

55. For the fourth consecutive year it was in Peru that disappearances had been the most numerous and, according to the Working Group on Enforced or Involuntary Disappearances, 232 new cases had occurred in 1990. Extrajudicial executions, torture and mass arrests continued to be the methods used by the country's security forces.

56. In El Salvador, on 24 January 1991, units of the armed forces and civil defence forces wearing black clothes and masks had assassinated 15 persons near the capital. The Commission must therefore remain vigilant and continue to follow the human rights situation in that country.

57. Mrs. COREA (International Association against Torture) regretted that the progress in ensuring respect for human rights on which the representative of Chile had reported the previous day was belied by the actual situation. There had still been cases of torture in Chile in 1990; 27 of them, the majority of which could be attributed to members of the police, had been the subject of complaints before the courts.

58. During the first year of civilian Government, new repressive machinery had been set up - the Directorate of Information Services of Carabineros and the Police Information Brigade - to replace the National Information Agency of the Pinochet period. During the current month, the authorities had endorsed the police function of the army - whose Commander-in-Chief was Pinochet - by having it coordinate the campaign against delinquency. During that first year, described as "a transition to democracy", a number of persons had died in mysterious circumstances and left-wing militants and sympathizers and student leaders had received death threats. Violations of human rights were therefore taking place with complete impunity. If Chile was to exist as a democracy, justice must be done. Technical assistance by the United Nations would be useful in that connection.

59. Mr. ORELLANA (World Federation of Democratic Youth) said that in El Salvador the authorities were continuing their violent repression of the opposition, despite the commitment to put an end to the armed conflict by political means made to the Secretary-General of the United Nations on 4 April 1990 by delegations of the Farabundo Martí National Liberation Front (FMLN) and the Government of El Salvador. The identity of interests reflected by that commitment was in contrast with the opposition of the Government and the army to political agreements that would mean changes within the armed forces. The Government representatives who had negotiated the political agreements to precede the cease-fire continued to refuse to envisage putting the armed forces under civilian authority, depriving the military of their impunity, adopting legal reforms and undertaking the necessary social and economic reforms. At the same time, the struggle with the opposition forces was further heating up, human rights and humanitarian law continued to be flouted and the United States was helping, by means of its military assistance, to perpetuate the war and repression.

60. On 21 January 1991, for example, 15 civilians had been massacred near the capital by masked soldiers dressed in black. On 2 February, Salvadorian and foreign journalists on their way back from an FMLN-held area had been arrested and their equipment confiscated. A few days later, the printing works of the independent El Diario Latino newspaper was burnt down. Those events clearly showed that the Government of El Salvador was determined not to permit the free exercise of political opinions as the date of the elections approached. There were also numerous victims among FMLN militants.

61. The FMLN, however, was sticking to its commitment to achieve a negotiated political solution, and it was in that constructive spirit that it was applying the human rights agreement concluded with the Government authorities of Costa Rica on 26 July 1990. That was proved by the investigation into the death of two United States officers and the dislosure of the identity of those responsible. The question now was whether the FMLN could judge two of its members for having violated humanitarian law. In so far as since 1981 the General Assembly, the Commission, the Sub-Commission, the International Committee of the Red Cross and other international humanitarian bodies had made clear that the standards of international humanitarian law contained in the Geneva Conventions of 1949 and in the two Additional Protocols - all of which had been ratified by El Salvador - were applicable to the armed conflict in that country, the two parties in the conflict, namely, the FMLN and the Government of El Salvador, had identical rights and duties in respect of that law. Despite the conflict of jurisdiction that emerged from the fact that each party to the conflict wished to apply its own standards, Additional Protocol II to the Geneva Conventions set out the fundamental guarantees to be offered in judging an offence relating to an armed conflict. That meant that the FMLN could initiate legal proceedings against those responsible if it provided the guarantees set out in the Protocol. Its action in arresting the two members of the military unit responsible for the death of the United States officers, investigating the facts and preparing to judge those guilty in accordance with the relevant international rules was therefore perfectly legal. Another point of view, however, merited attention; it might be considered that the United States officers concerned, who were navigating a warship in a zone of hostilities, had violated the rules governing armed conflict by taking part in combat and infringed the national sovereignty of El Salvador by illegally entering its territory.

62. The World Federation of Democratic Youth was of the view that peace and respect for human rights could be achieved in El Salvador at the present time and paid tribute to the efforts being made by the Secretary-General of the United Nations in that regard.

63. Mr. HUSSAMI NABIH (Observer for the Syrian Arab Republic), speaking in exercise of the right of reply, said he wished to comment on the statement made by the representative of Amnesty International at the previous meeting. It was a pity that so respected a non-governmental organization had failed to verify the information in its possession concerning the Syrian Arab Republic before taking the floor. The Presidential Decree of 1962, amended in 1963, concerning the emergency situation, was an exceptional decision which, in so far as it had been adopted for security reasons, was completely in conformity with the International Covenant on Civil and Political Rights. It was for the courts to ensure that the law was applied as it should be and to prevent abuses. The courts had, in fact, dealt with a number of cases under the provisions of the Decree.

64. Mr. ROA (Cuba), speaking in exercise of the right of reply, said he wished to inform the representative of the International Confederation of Free Trade Unions that in Cuba free trade unions had been suppressed by Batista in 1952 when trade union officials were being attacked by terrorist elements. The Cuban Central Trade Union, set up in the 1940s, had taken on a new lease of life with the advent of the revolution and at present its membership was in the millions.

65. As for voluntary work, many Cubans had willingly offered their services; the others were not forced to do so.

66. In his opinion, the non-governmental organizations should keep to the truth, and not believe certain absurd assertions.

STATEMENT BY MR. AL-MUTAWA, MINISTER OF PLANNING OF KUWAIT

67. Mr. AL-MUTAWA (Minister of Planning of Kuwait) said that the events that had occurred during the past few years in the world, particularly the destruction of the Berlin Wall, the unification of Germany and the independence of Namibia, had given rise to hope for the emergence of a better world where cooperation and democratic values and new relations between nations would triumph. That dream had unfortunately been shattered on 2 August 1990 when Iraqi forces had brutally invaded Kuwait, thus flagrantly violating the Charter of the United Nations, the Universal Declaration of Human Rights and international law. The Iraqis had flouted all existing values, defied the international community as a whole and forced the world into war.

68. The Iraqi forces installed in Kuwait had murdered and tortured thousands of defenceless Kuwaiti citizens, destroyed and pillaged the country's industrial, economic and commercial facilities, expropriated public and private property and pillaged hospitals, even throwing patients out into the street. All schools had been closed and occupied by the military forces and the Iraqi secret police. Tens of thousands of Kuwaitis had been arrested and were still being held without trial. Rape, torture and summary executions had become daily events in Kuwait. In committing those criminal acts and atrocities, the Iraqi forces violated all the principles of international humanitarian law and made a mockery of the teachings of Islam. Defying religious laws and doctrines, they had profaned mosques and churches by transforming them into military quarters. They had also prevented the faithful from entering mosques to pray by shutting them down and arresting a large number of imams, some of whom had been summarily executed for refusing to obey their orders. The hundreds of thousands of non-Muslims living in Kuwait had also been prevented from practising their religion and had been subjected to all kinds of humiliations.

69. All members of the Kuwaiti armed forces who had surrendered to the Iraqi forces or had been captured by them since 2 August 1990 were prisoners of war under the Third Geneva Convention of 1949. However, there was nothing to show that they were treated as such since the Iraqis had given no information concerning their identity or their whereabouts as the Convention required. In addition, Iraq's announcement that it would use prisoners of war as human shields clearly illustrated the contempt in which it held international law.

70. The invasion of Kuwait had also had disastrous consequences for a large number of nationals of other countries who had found themselves without homes, without work and without resources or had been taken hostage. What had they done to deserve such cruel and inhuman treatment? In addition, the Iraqis were guilty of the unpardonable and inconceivable crime against nature of deliberately pouring millions of barrels of oil into the Gulf, thus destroying the life-source of all the States in the region.

71. The 300,000 Kuwaitis living under the yoke of the Iraqi occupation forces and the 450,000 Kuwaitis in exile were plunged in despair. No people had ever suffered so much in so short a time, and their tragedy had stirred the conscience of thousands of millions of persons enamoured of peace. The whole world had turned to the Commission in the hope that it would expressly condemn the inhuman crimes of Iraq in Kuwait and come to the help of the Kuwaitis who had become hostages and prisoners in their own country. Iraq also continued to refuse to allow the media, the humanitarian organizations and the International Committees of the Red Cross and the Red Crescent to enter Kuwait, thus depriving the Kuwaitis of the medicines and food they so badly needed during the present difficult period. Kuwait hoped that the Commission would require Iraq to allow such humanitarian organizations to enter Kuwait to enable them to do their work.

72. What was happening in Kuwait was a genuine tragedy not only for the people of Kuwait but also for all mankind. The perpetrators of the crimes committed in Kuwait should be judged and punished for violating international law and undermining world peace and security. Kuwait had always desired peaceful coexistence and aspired to peace, tranquillity and stability once it had regained its freedom. It had already taken steps to reconstruct the country and bind up the wounds of the Kuwaiti people and looked forward to taking an active part in future arrangements which, it was to be hoped, would bring peace and justice to the region and its inhabitants.

The meeting rose at 1 p.m.